

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

JOSEPH SULLIVAN, et al.,

Plaintiffs,

v.

GARZA COUNTY SHERIFF'S OFFICE,
et al.,

Defendants.


No. 5:23-CV-049-H-BQ

ORDER

The United States Magistrate Judge issued Findings, Conclusions, and a Recommendation (FCR) that defendant Garza County Sheriff's Office's motion to dismiss under Federal Rule of Civil Procedure 12(b)(5) be granted and that its motion to dismiss under Rule 12(b)(6) be denied as moot. Dkt. No. 50. No objections were filed.

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR. The Sheriff's Office's motion to dismiss under Rule 12(b)(5) is granted and its motion to dismiss under Rule 12(b)(6) is denied as moot. The plaintiffs' claims against the Sheriff's Office are dismissed for insufficient service of process, pursuant to Rule 12(b)(5).

So ordered on January 11, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE